

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Orlando Carter,

Plaintiff(s),

vs.

PNC Bank, N.A., et al.,

Defendant(s).

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Case Number: 1:18cv706

Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz filed on March 24, 2020 (Doc. 47), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired May 7, 2020, hereby ADOPTS said Report and Recommendation. The objections were originally due April 7, 2020. However, plaintiff filed a motion requesting additional time to file objections (Doc. 48). The Court GRANTED the motion and the objections were then due by May 7, 2020. Objections were not filed.

Accordingly, plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. 46) is DENIED.

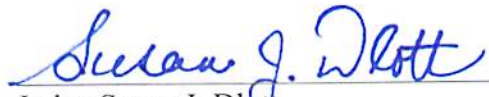
Plaintiff is advised of the following:

Pursuant to Fed. R. App. P. 24(a), a plaintiff may file, within 30 days after service of any Order adopting the Report and Recommendation, a motion with the Sixth Circuit Court of Appeals for leave to proceed as a pauper on appeal *Callihan v. Schneider*, 178 F.3d 800, 803 (6<sup>th</sup>

Cir. 1999), *overruling in part Floyd v. United Postal Service*, 105 F. 3d 274 (6<sup>th</sup> Cir. 1997). The plaintiff's motion must include a copy of the affidavit filed in the District Court and the District Court's statement of the reasons for denying pauper status on appeal. *Id.*; see Fed. R. App. P. 24(a)(5).

The plaintiff is notified that if the plaintiff does not file a motion within 30 days of receiving notice of the District Court's decision as required by Fed. R. App. P. 24(a)(5), or fails to pay the required filing fee of \$505.00 within this same time period, the appeal will be dismissed for want of prosecution. *Callihan*, 178 F.3d at 804. Once dismissed for want of prosecutions, the appeal will not be reinstated, even if the filing fee or motion for pauper status is subsequently tendered, unless the plaintiff can demonstrate that the plaintiff did not receive notice of the District Court's decision within the time period prescribed for by Fed. R. App. P. 24(a)(5). *Id.*

IT IS SO ORDERED.

  
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Judge Susan J. Dlott  
United States District Court